

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – October 21, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Cioni, Higgins, Woykowski, Turner - Present  
Oakley – 7:45, Housel – 8:00, Van Deursen – 8:30

Also Present: John Corica, Borough Manager  
Richard Cushing, Esq. Municipal Attorney  
Kristine Blanchard, RMC Borough Clerk

Deputy Mayor Higgins led everyone in the flag salute.

Deputy Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

At this time, Deputy Mayor Higgins entertained a motion to enter executive session to discuss potential litigation, and contracts.

Motion made by Turner, seconded by Cioni and adopted.

Roll Call: Higgins, Turner, Cioni, Woykowski

Ayes: 4, Nays: 0  
Motion Carried

**RESOLUTION 217-2008**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

X A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Property Acquisition

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

\_\_\_\_\_Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: OR the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

X   Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: Recreation Committee/Director

OR \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be:   SIX MONTHS   (estimated length of time) OR upon the occurrence of \_\_\_\_\_

\_\_\_\_\_;

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council returned from Executive Session at 8:15 p.m.

### **COUNCIL APPEARANCE**

#### **Don Eller – Board of Adjustment**

Mr. Eller reported to Council that the Board of Adjustment heard sixteen cases so far this year. Three were commercial cases and thirteen residential. Of those cases, four were denied and eleven were approved. He reported that currently there are two vacancies on the Board of Adjustment. Mr. Eller discussed the gaming center with Council. He stated that he wanted Council to be aware of the concerns the board had. There would be a mix of children and grown ups utilizing the gaming center. Mixing those age groups was a concern with the board. The board stated they wanted the gaming center to conform to the curfew ordinance and well and there was also some concern regarding the all night events that were going to be planned.

Deputy Mayor Higgins thanked Mr. Eller for seventeen years of service on the Board of Adjustment.

**MINUTES:**

Deputy Mayor Higgins entertained additions or corrections to the minutes of the Regular Meeting of September 16, 2008, October 7, 2008, and the Executive Session of October 7, 2008.

Hearing no further comments it was moved by Oakley, seconded by Turner that the minutes of be approved.

Roll Call: Higgins, Turner, Woykowski, Housel, Cioni, Oakley – Yes

Ayes: 6  
Nays: 0  
Motion Carried

**COMMUNICATIONS:**

The following communications were entered into the record:

1. JCP&L Proposed New Demand Response Program

It was moved by Higgins, seconded by Oakley that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.  
Motion carried.

**AUDIENCE:**

Ed Rossi

Mr. Rossi stated that he wanted to present to Council the park and ride at the old Rossi dealership located next to the diner. The DOT rented one hundred parking spaces from them. The bus company will be providing transportation to New York City. There is no start date as of yet but it looks like it will be sometime in early November.

Councilman Cioni asked if buses will be parked on site. Mr. Rossi stated no buses will be parked there overnight.

Hearing no further comments from the audience a motion was made by Higgins, seconded by Housel to close the audience portion of the meeting.

Ayes: 6, Nays: 0  
Motion Carried

Mayor Van Deursen arrived at 8:45

**ORDINANCES:**

**Resolution 207-2008 – To Adopt an Emergency Appropriation**

Resolution 207-2008 was moved on a motion made by Higgins, seconded by Housel and adopted.

Roll Call: Higgins, Housel, Cioni, Turner, Woykowski, Oakley, Van Deursen

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION # 207 -2008**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, NJ TO ADOPT AN**  
**EMERGENCY APPROPRIATION**

WHEREAS, an emergency has arisen with respect to the purchase of a fire truck and no adequate provision was made in the 2008 budget for the aforesaid purpose; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$25,000.00 and three (3) percent of the total operating appropriations in the budget for 2008 is \$16,503; and

WHEREAS, the certification for emergency appropriation form has been signed by the Chief Financial Officer and is on file with the Municipal Clerk; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, not less than 2/3 of all governing body members affirmatively concurring, that in accordance with NJSA 40A:4-48 that

1. An emergency appropriation is hereby made for a Down Payment on Improvements in the amount of \$25,000.
2. That said emergency appropriation shall be provided for in full in the 2009 budget, and is requested to be excluded from CAPS, pursuant to NJSA 40A:4-53.3c(1).
3. That two (20 certified copies of this resolution be filed with the Director of the Division of Local Government Services.

**Ordinance 11-2008 BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL FIRE FIGHTING APPARATUS BY THE BOROUGH OF WASHINGTON APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. (Introduction)**

Mayor Van Deursen entertained a motion to introduce **Ordinance #11-2008**.

Ordinance #11-2008 was introduced by Councilman Housel. It was further moved by Housel, seconded by Turner that the Clerk read Ordinance #11-2008 by title only.

Roll Call: Higgins, Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley

Ayes: 7, Nays: 0  
Motion carried.

The Clerk read Ordinance #11 – 2008 entitled, “Bond Ordinance Providing for the Acquisition of New and Additional Fire Fighting Apparatus by the Borough of Washington Appropriating \$1,000,000 Therefore and Authorizing the Issuance of \$475,000 Bonds or Notes of the Borough for Financing Such Appropriation”

Council Discussion: Councilman Turner asked if the specs for the fire truck had been received yet. Manager Corica stated they had not.

Mayor Van Deursen entertained a motion to approve Ordinance 11-2008 on first reading.

It was moved by Housel, seconded by Turner that Ordinance 11-2008 be approved on first reading.

Roll Call: Higgins, Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley

Ayes: 7, Nays: 0  
Motion Carried

It was moved by Housel, seconded by Turner that Ordinance 11-2008 be advertised in the Star Gazette on October 30, 2008 and public hearing of Ordinance 11- 2008 be scheduled for November 17, 2008.

Roll Call: Oakley, Turner, Higgins, Cioni, Housel, Woykowski, and Van Deursen

Ayes: 7, Nays: 0  
Motion Carried.

**ORDINANCE # 11-2008**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND  
ADDITIONAL FIRE FIGHTING APPARATUS BY THE BOROUGH OF  
WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING  
\$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS  
OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$25,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of an emergency appropriation of the Borough heretofore made by resolution of its governing body adopted on October 21, 2008 and including also the sum of \$500,000 received or expected to be received by the Borough from the United States government, or agencies thereof, as a grant-in-aid of financing said improvement or purpose.

For the financing of said improvement or purpose and to meet the part of said \$1,000,000 appropriation not provided for by application hereunder of said down payment and grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$475,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition by purchase of new and additional fire fighting apparatus for the preservation of life and property in the Borough, consisting of one (1) fire truck, including all equipment, accessories and appurtenances necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

*The estimated maximum amount of bonds or notes to be issued for said purpose is \$475,000.*

*The estimated cost of said purpose is \$1,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$25,000 down payment for said purpose and the amount of the said \$500,000 grant from the United States government.*

The following additional matters are hereby determined, declared, recited and stated:

*The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.*

*The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.*

*The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$475,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.*

*An aggregate amount not exceeding \$30,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.*

The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon

without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**Ordinance 13-2008 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BOROUGH CODE TO CHANGE ESTABLISHED FEES (Introduction)**

Mayor Van Deursen entertained a motion to introduce **Ordinance #13-2008**.

Ordinance #13-2008 was introduced by Councilwoman Oakley. It was further moved by Oakley, seconded by Cioni that the Clerk read Ordinance #13-2008 by title only.

Roll Call: Higgins, Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley

Ayes: 7, Nays: 0

Motion carried.

The Clerk read Ordinance #13 – 2008 entitled, “AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CODE OF THE BOROUGH OF WASHINGTON TO CHANGE ESTABLISHED FEES”

Council Discussion: None

Mayor Van Deursen entertained a motion to approve Ordinance 13-2008 on first reading.

It was moved by Housel, seconded by Turner that Ordinance 13-2008 be approved on first reading.

Roll Call: Higgins, Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley

Ayes: 7, Nays: 0

Motion Carried

It was moved by Housel, seconded by Oakley that Ordinance 13-2008 be advertised in the Star Gazette on October 30, 2008 and public hearing of Ordinance 13- 2008 be scheduled for November 17, 2008.

Roll Call: Oakley, Turner, Higgins, Cioni, Housel, Woykowski, and Van Deursen

Ayes: 7, Nays: 0  
Motion Carried.

***ORDINANCE # 13-2008***

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE  
BOROUGH CODE TO CHANGE ESTABLISHED FEES**

**WHEREAS**, the Department Heads, the Borough Engineer and the Borough Manager have undertaken an extensive review of the fees established in the Borough Code for various activities and permits; and

**WHEREAS**, many of the fees set forth in the Borough Code have not changed in decades; and

**WHEREAS**, the Mayor and Council were presented with the results of that review, including recommendations for changes in certain fees; and

**WHEREAS**, the Mayor and Council have reviewed and approved the recommended changes;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that the following sections of the Code of the Borough of Washington be amended as follows:

**Section 1.** Chapter 21: Alarm Devices and False Alarms. Section 21-5 entitled “Fees” is amended to increase the one-time registration fee from \$25 to \$50, the dial alarm fee from \$10 per year to \$15 per year, and the fee for alarms connected to the alarm panel from \$25 per year to \$35 per year.

**Section 2.** Chapter 23: Amusement Devices, Coin Operated. Section 23-4 entitled “License fees” is amended to increase the license fee from \$25 per year per machine to \$35 per year per machine.

**Section 3.** Chapter 26: Bicycles. Section 26-3 entitled “Issuance of license and tag; fee; expiration” is amended to delete all references to a fee and no fee shall be charged.

**Section 4.** Chapter 39: Government Record Fees. Subsection O. of Section 39-3 entitled “Fee schedule” is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

O. Certified copies of birth, marriage, domestic partnership, **civil union** or death certificates: ~~\$58~~.

**Section 5.** Chapter 42: Fire Prevention Code. Section 42-9 entitled “Additional inspections and fees” is amended by adding new subsections B and C to read as follows:

B. For all fire inspections and/or re-inspections of residential rental properties for any change in tenancy or building ownership, the fee shall be \$45.

C. For a letter documenting compliance with the Fire Code, the fee shall be \$10.

Subsection D of Section 42-10 entitled “Smoke and carbon monoxide alarms” is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

D. Fees. ~~The fee of~~ The Fire Official of the Borough of Washington shall be \$35 for the first inspection or scheduled visit to the property and ~~\$25~~\$35 for each subsequent reinspection or scheduled visit to the property.

**Section 6.** Chapter 45: Food Handling. Section 45-6 entitled “Fees” is amended to increase the license fee for a retail food establishment with a permanent location from \$10 to \$25 and the license fee for a temporary retail food establishment from \$25 to \$50. Section 45-17 entitled “Fees” is amended to increase the permit fee from \$10 per year to \$15 per year and the license fee from \$10 per machine per year to \$15 per machine per year.

**Section 7.** Chapter 49: Handbills and Merchandise, Etc. Section 49-2 entitled “Permit and application” is amended to increase the permit fee from \$5 to \$25.

**Section 8.** Chapter 54: Licensed Occupations. Section 54-5 entitled “Fees” is amended to increase the fees as follows:

Permanent Merchant (less than 1500 square feet): annual fee increases from \$5 to \$10.

Permanent Merchant (between 1500 and 3500 square feet): annual fee increases from \$10 to \$25.

Permanent Merchant (greater than 3500 square feet): annual fee increases from \$25 to \$75.

Transient Merchant: fee increases are daily fee from \$5 to \$10, the weekly fee from \$25 to \$50, the monthly fee from \$100 to \$200 and the yearly fee from \$200 to \$400.

Hawkers & Peddlers: fee increases are daily fee from \$5 to \$20, the weekly fee from \$10 to \$60, the monthly fee from \$15 to \$120, the six-month fee from \$25 to \$200 and the yearly fee from \$50 to \$400.

Solicitor: fee increases are daily fee from \$10 to \$20, the weekly fee from \$20 to \$60, the monthly fee from \$40 to \$120, the six-month fee from \$80 to \$200 and the yearly fee from \$100 to \$400.

Place of amusement: annual fee increases from \$40 to \$400.

Traveling Shows: one-day fee increases from \$50 to \$100.

Lodging Houses: annual fee increases from \$5 to \$400.

Junk Dealer: annual fee increases from \$100 to \$400.

Section 54-21 entitled “License required; fee” is amended to increase the fee for a garage sale license from \$2 to \$5.

Section 54-33 entitled “Fees” is amended to increase the license fee for pool and billiard parlors from \$100 to \$150.

**Section 9.** Chapter 57: Storm Water Management. Subsection D entitled “Review and inspection fees” of Section 57-1 is amended to decrease the review fee established in subsection D.1.b. from

\$500 to \$100 and add the phrase “in the amount of \$500” after the words “construction inspection escrow account” in subsection D.2.b.

**Section 10.** Chapter 69: Sedimentation and Soil Erosion Control. Subsections A and B of Section 69-14 entitled “Fees and costs” are amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

- A. Upon the filing of the sedimentation and soil erosion control plan for a major subdivision, which shall be submitted at the same time as the preliminary plat is filed, the subdivider shall pay to the borough a fee of one hundred ~~fifty~~ dollars (\$1500). In addition, the subdivider shall deposit with the Borough Clerk, to cover the cost of legal, engineering and inspection services, **a three hundred dollar (\$300) escrow fee plus an amount a lot inspection fee** equivalent to ~~ten~~ **one hundred** dollars (\$100.) for each and every lot shown on the plat.
  
- B. B. Upon the filing of the sedimentation and soil erosion control plan for a site plan, pursuant to Chapter 71, Site Plan Review and Approval, of this Code, which shall be submitted the same time the plan is filed, the applicant shall pay to the borough a fee of one hundred ~~fifty~~ dollars (\$1500). In addition, the applicant shall deposit with the borough Clerk, to cover cost of legal, engineering and inspection services **a three hundred dollar (\$300) escrow fee. an amount equivalent to five percent (5%) of the estimated cost of the erosion control measures or three hundred dollars (\$300.), whichever is greater, except that in the case of a site of less than one (1) acre the minimum amount shall be fifty dollars (\$50.)** **Each applicant shall be liable for a one hundred dollar (\$100) per acre inspection fee.**

**Section 11.** Chapter 70: Sewers. Section 70-33 entitled “Sewer connection inspection and review fees” is hereby deleted and replaced in its entirety by the following:

**§ 70-33. Sewer connection inspection and review fees.**

- A. Each sewer connection application shall be accompanied by a fee of \$100.
  
- B. The applicant shall submit with the application an escrow deposit of \$1,000 from which the borough will deduct all reasonable and customary engineering fees, inspection costs, reinspection costs and/or other expenses incurred as a result of examining and processing a sewer connection application and inspecting connections to the system or other installations or improvements installed pursuant to this chapter.

Section 70-43 entitled “Fees” of Article VIII entitled “Storm Sewers” of Chapter 70 is amended to increase the fee established in subsection A. from \$75 to \$100 and the fee established in subsection B. from \$200 to \$275. In addition, subsection C of Section 70-43 is deleted and replaced in its entirety by the following:

- C. In addition to the connection fees set forth in subsections A and B above, the applicant shall submit to the Borough Clerk an escrow deposit of \$300 from which the borough will deduct all reasonable and customary engineering fees, inspection costs and/or other expenses incurred as a result of examining and processing the application and inspecting connections to the system.

**Section 12.** Chapter 73: Soil Removal. Subsection D of Section 73-4 entitled “Application Procedure is hereby revised to read as follows (new language shown as bold, deleted language shown as strikethrough):

D. Filing fee. The application shall be submitted to the Zoning Officer of the Planning Board with a fee of **\$100** ~~to the order of the Borough of Washington in an amount computed at the rate of five cents (\$0.05) per cubic yard multiplied by the number of cubic yards to be moved, as stated in the application and certified on the topographical map; provided, however, that in no event shall such fee be less than seventy five dollars (\$75.).~~ **In addition, applicant shall provide an escrow deposit of \$300 from which the borough will deduct costs incurred by the Borough for engineering surveys and reports, inspection fees, legal fees, and other expenses in connection with the application.**

**Section 13.** Chapter 75: Streets and Sidewalks. Section 75-36 entitled “Procedure for obtaining permit; surety bond; fees” is amended to read as follows: (new language shown as bold, deleted language shown as strikethrough):

§75-36 Procedure for obtaining permit; surety bond; fees.

Street opening permits shall be obtained in the following manner:

- A. Application in writing shall be made to the Borough Clerk and signed by the person, firm or corporation making the proposed street opening or excavation, setting forth the location of the proposed opening or excavation, the size thereof and the purpose therefore. The application shall then be forwarded to the Borough Engineer for his review and approval **and calculation of the appropriate performance and maintenance bond and escrow deposit.** ~~If~~ **the Borough Engineer approves the application,** he shall endorse his approval upon the face of the application and shall then return the application, **along with the calculations as to the performance and maintenance bond and the escrow deposit required,** to the Borough Clerk, who shall then issue the permit. **Applicants shall allow for a seven day review period on street opening applications.**
- B. Before the permit shall be issued by the Borough Clerk, the person, firm or corporation making the application shall have on file with the Borough Clerk a ~~surety~~ **performance and maintenance** bond issued by a surety company authorized to do business in this state, ~~in the amount of one thousand dollars (\$1,000.);~~ covering the opening or excavation set forth in the application and any and all future openings and excavations to be made in a calendar year, **as well as maintenance of the work- in the amount of (1) for a public utility applicant, the amount calculated by the Borough Engineer unless the utility posts an annual performance guarantee with the Borough of at least ten thousand dollars (\$10,000); (2) for a non-utility applicant, the amount calculated by the Borough Engineer which shall be a minimum of five hundred dollars (\$500).** Said bond shall be conditioned upon the permittee’s compliance with this ordinance and to indemnify the borough from any loss, liability or damage that may result or accrue from or because of the making, existence or manner of constructing or guarding any such opening or excavation, during the term of said bond. **The maintenance period of the bond shall be one (1)**

**year. At the end of the maintenance period, the Borough Engineer shall perform a final inspection. The Borough Engineer's approval shall be required for release of the bond and escrow after the final inspection.**

- C. The person, firm or corporation making and signing the application shall comply with all the provisions of this Article as hereinafter set forth.
- D. The fee for such permit shall be ~~ten~~ **one hundred** dollars (~~\$10~~**100**.) per opening. Such fee shall be due and payable at the time the application is made to the Borough Clerk. In addition to the foregoing, the applicant shall provide an escrow deposit from which the Borough will deduct ~~will be responsible for~~ reasonable engineering and inspection fees, ~~in an amount not to exceed two hundred dollars (\$200.), which will be billed by the municipality~~**The amount of the deposit shall be as calculated by the Borough Engineer with a minimum escrow deposit of five hundred dollars (\$500) for public utility applicants and a minimum of three hundred dollars (\$300) for non-utility applicants.**
- E. **No road openings shall be permitted between November 30 and April 1 unless the opening is needed to address emergency conditions.**

**Section 14.** Chapter 78: Swimming Pools. Subsection C of Section 78-4 entitled "Permit required; application; fee" is amended to increase the fee from twenty-five dollars (\$25.) to seventy-five dollars (\$75.)

**Section 15.** Chapter 80: Taxicabs. Subsection A of Section 80-9 entitled "License fees" is amended to increase the annual taxicab license fee from twenty dollars (\$20.) to one hundred dollars (\$100.) for the first cab and from ten dollars (\$10.) to fifty dollars (\$50.) for each additional cab.

Section 80-12 entitled "Insurance" is amended to increase the required insurance policy limits from not less than fifty thousand dollars (\$50,000.) property damage and one hundred thousand/three hundred thousand dollars (\$100,000./\$300,000.) personal injury and liability coverage to a minimum of five hundred thousand dollars (\$500,000.) combined single limit liability.

**Section 16.** Chapter 94: Zoning and Land Development. Subsection A. of Section 94-14 entitled "Fees" is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

- A. Subdivision, including clustered, single-family dwelling proposal.
  - (1) Informal plat: ~~fifty~~ **seventy-five** dollars (~~\$50~~**75**.) plus thirty dollars (\$30.) per lot up to twenty (20) lots.
  - (2) Preliminary plat: ~~\$100~~**150** plus \$15 per lot plus 5% of the estimated costs of the required improvements.
  - (3) Final plat or minor subdivision: ~~\$50~~**100** plus ~~\$10~~**15** per lot.

- (4) **Tax map revisions: \$500 minimum fee per tax map page. If the cost is expected to be more than the minimum fee, the Borough Engineer will provide an estimate of costs when the application has been deemed complete. The applicable fees are to be paid as a condition of approval of the application.**

Subsection B.1. of Section 94-14 is amended to increase the fee from \$100 to \$150.

Subsection D. of Section 94-14 is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

D. Variances and other appeals.

- (1) Hear and decide appeals: ~~\$25~~**50**.
- (2) Conditional uses: \$150.
- (3) Interpretation of the Zoning Map: ~~\$25~~**50**.
- (4) Hardship variance: ~~\$50~~**75**.
- (5) Use variance.
  - (a) Residential: ~~\$15~~**20** per dwelling unit.
  - (b) Other uses: \$20 per acre
  - (c) Minimum: ~~\$100~~**150**; maximum: \$3,000.
  - (d) In any case where a use variance is required, the applicant shall pay the fee set forth above, and in addition to such fee, an escrow deposit equivalent to 2% of the estimated cost of the improvements, to a minimum of \$400.
- (6) Building permit in conflict with Official Map or building permit for lot not related to a street: \$50.

Subsection E. of Section 94-18 is amended to read as follows (new language shown as bold, deleted language shown as strikethrough):

E. Fees.

- (1) The fee for residential zoning permits shall be ~~fifteen~~ **twenty-five** dollars (~~\$15~~**25**).
- (2) The fee for nonresidential zoning permits shall be ~~twenty-five~~ **fifty** dollars (~~\$25~~**50**).
- (3) **The fee for a new house inspection shall be \$75.00.**
- (4) An additional fee of twenty-five dollars (\$25.) shall apply to any activity requiring inspection, except when the inspection fees are provided for under §94-15v

**Section 17.** Chapter 94: Zoning and Land Development. A new Section 94-14.1 entitled “Miscellaneous fees” is added to read as follows:

§94-14.1. Miscellaneous fees.

- A. A request for a certified list made from the current tax duplicates of names and addresses of owners to whom an applicant is required to give notice of an application pursuant to *N.J.S.A. 40:55D-12(b)* shall be accompanied by a fee of \$10.
- B. A request for a letter from the zoning officer documenting that a Certificate of Occupancy is not required or for a letter documenting the zoning applicable to a particular property shall be accompanied by a fee of \$10.

**Section 18.** Chapter 1: General Provisions. A new Article II entitled “Fees” is added to Chapter 1 to read as follows:

## Article II

### Fees

§1-15. Fees.

Fees for licenses, permits, inspections and other regulatory activity of the Borough shall be as set forth in the chapter of the Borough Code that relates to the regulated activity.

§1-16. Fee for returned check.

Any person who uses a check to pay any fee to the Borough as required by the provisions of the Borough Code shall be assessed a returned check fee of \$25 if the check used to pay the fee is not honored by the bank or other financial institution on which the check was drawn.

§1-17. Fee police vehicle for outside duty.

Any individual or business entity requiring a police vehicle as an “Active” traffic control device shall pay a flat fee of \$20 per day or any portion thereof for use within the Borough.

**Section 19.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 20.** If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

**Section 21.** In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

**Ordinance 14-2008 AN ORDINANCE TO AMEND THE CHAPTER 3-48 OF THE CODE OF THE BOROUGH OF WASHINGTON REGARDING THE POSITION OF TREASURER (Introduction)**

Mayor Van Deursen entertained a motion to introduce **Ordinance #14-2008**.

Ordinance #14-2008 was introduced by Councilman Housel. It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #14-2008 by title only.

Roll Call: Higgins, Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley

Ayes: 7, Nays: 0  
Motion carried.

The Clerk read Ordinance #14 – 2008 entitled, “An Ordinance to Amend the Chapter 3-48 of the Borough of Washington Regarding the Position of Treasurer”

Council Discussion: Councilwoman Woykowski stated there was additional information requested via email. She would like to see what the flow of work would be in the Finance office. Manager Corica stated that a desk audit has been requested of the employees in the Finance Dept. and we should have it by next Monday. Councilman Higgins asked if this is establishing a full time position. Manager Corica stated it removes the part time position and allows for a part time or full time position. Councilman Higgins asked who will make the final decision on whether or not the position is full or part time. Manager Corica stated that realistically it is up to the manager.

Mayor Van Deursen entertained a motion to approve Ordinance 14-2008 on first reading.

It was moved by Housel, seconded by Oakley that Ordinance 14-2008 be approved on first reading.

Roll Call: Woykowski, Housel, Cioni, Van Deursen, and Oakley – Yes  
Higgins, Turner - No

Ayes: 5, Nays: 2  
Motion Carried

It was moved by Oakley, seconded by Cioni that Ordinance 14-2008 be advertised in the Star Gazette on October 30, 2008 and public hearing of Ordinance 14-2008 be scheduled for November 17, 2008.

Roll Call: Oakley, Turner, Cioni, Housel, Woykowski, and Van Deursen - Yes  
Higgins – No

Ayes: 6, Nays: 1  
Motion Carried.

**ORDINANCE # 14 -2008**

**AN ORDINANCE TO AMEND THE CHAPTER 3-48 OF THE CODE OF THE BOROUGH OF WASHINGTON REGARDING THE POSITION OF TREASURER**

**WHEREAS**, the Manager has recommended that in order to provide for greater efficiency and to provide for better separation of duties and span of control that the position of Treasurer/CFO be separated from the position of Tax Collector and that Borough hire a CFO/Treasurer; and

**WHEREAS**, the Manager has recommended that it is preferable to have a full time CFO/Treasurer.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, as follows:

**Section 1.** Article VII, Section 3-48 A be amended as follows

From: There shall be appointed a Treasurer, who shall be appointed by the Manager to serve on a part-time basis. The Treasurer shall serve as the Chief Financial Office of the Borough, which position is hereby created. He or she shall receive such compensation as may be established from time to time by the current Salary Ordinance.

To: There shall be appointed a Treasurer, who shall be appointed by the Manager. The Treasurer shall serve as the Chief Financial Office of the Borough, which position is hereby created. He or she shall receive such compensation as may be established from time to time by the current Salary

**Section 4.** In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

**REPORTS:**

It was moved by Cioni, seconded by Higgins, to receive and file the reports.

Councilman Higgins inquired about the fire inspectors report; were there \$97,000.00 in fines that were dismissed? Manager Corica stated that the violations on this site were local and state violations that had been unabated for quite some time. The Fire Official did an inspection and ruled that the outstanding violations were abated and basically withdraw the fines and penalties. Councilman Higgins asked if everything was taken care of. Manager Corica stated some violations were items we don't have jurisdiction over. Councilman Higgins asked if dismissing the violations were a condition of the sale of the property. Higgins would like to see what has been written in fines and penalties and dismissed for the year 2008. Councilman Higgins noted that Council discussed this is in the budget workshop that designated and

compensatory fines would be issued. Manager Corica stated these fines were not designated and compensatory. Councilman Higgins stated the property owner should have been made to pay something. Manager Corica stated the fire official stated that he views his job as securing compliance for public safety; not to levy fines against residence and business owners. Mayor Van Deursn stated that this may be a policy that needs to be reviewed for next year. Councilman Higgins stated he wants to know if the fines were dismissed as a condition of the sale of the building.

Councilman Higgins asked why the Treasurers's report is three months behind. Manager Corica stated he will discuss it with finance and have the reports up to date at the next Council meeting.

Roll Call: Higgins, Turner, Van Deursen, Cioni, Housel, Oakley, and Woykowski.

Ayes: 7, Nays: 0  
Motion Carried

### **COMMITTEE REPORTS:**

**Redevelopment Committee:** No Report

**DPW Garage:** No Report

**Sewer Committee:** Councilman Higgins asked if the flow meter been installed for the Port Colden Mall yet. Manager Corica stated that their deadline date is November 8. Attorney Cushing stated he has been in touch with their attorney regarding the matter. There are discussions going on between the seller and the buyer's attorney.

**Streets Committee:** No Report

**Finance Committee:** Councilwoman Woykowski stated the Finance Committee would like to have a meeting with the CFO to set the ground rules for a capital plan and to discuss a way to better handle project management. She would like to set up tracking for each project from start to finish. Councilwoman Woykowski asked for a copy of the Annual Financial Statement and a cash flow report. Manager Corica stated he will ask the CFO about the cash flow report.

**Shared Services Committee:** No Report

**Senior Services:** Councilman Higgins stated new information is posted on bulletin board.

**Website Committee:** No Report

**Curfew Committee:** No Report

**Pedophile Ordinance Committee:** No Report

**BID:** No Report

**Recreation Report** – No Report

**Parking Lot Committee** – Councilman Cioni stated the committee had a meeting on October 13 and the bid has agreed to the parking lot in its entirety based on the specifications by Andrew Holt. Councilman Cioni stated he put together a timeline for all the various components of the project. Councilman Higgins noted there is work that needs to be done by the DPW. Mayor Van Deursen asked who is doing the demolition work for Modern Valet. Manager Corica stated the request for qualifications were sent out and are due back on October 30.

Councilman Turner stated he talked to Andrew Holt and he is waiting for official direction from Council to complete the specs on the parking lot. Motion made by Turner, seconded by Woykowski to finish the lot without the Antique lot or the Tilley lot with angled parking. Council agreed.

Ayes: 7, Nays: 0

Councilman Higgins asked Mr. Rossi if the BID had received the letter of funding yet. Mr. Rossi stated the letter is imminent; there are several items being worked out.

Mayor Van Deursen stated she thinks everyone has done a remarkable job to bring this job to fruition. She stated she appreciates the effort of the BID on this project.

### **VOUCHERS AND CLAIMS**

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Cioni, seconded by Woykowski to pay the vouchers and claims in the amount of \$1,691,575.62.

Council Discussion:

Councilman Higgins stated he spoke to the manager about the \$113,000 for Consolidated Building Corp. and he believes the Open Public Meeting Law was violated by using email to vote on whether or not this bill should be paid. He stated this is not the way we are to do business. He asked if permission was given from the attorney to take a vote on this via email? Manager Corica stated he discussed it with Attorney Cushing after the vote was taken. Councilman Higgins stated that this is unacceptable.

Attorney Cushing explained that there was a need to get the check out. Manager Corica solicited council members to see if he could get ratification. He stated when Councilman Higgins called me, I told him that it was not the normal process however ratification would be done at the next Council meeting. Councilman Higgins stated that it should not be done through emails especially after the letter Council received from the attorney's office regarding the use of email.

Audience member, Dawn Higgins asked if this payment was an emergency or was the health and safety of the public at risk. Manager Corica stated no it was not; however he was not in the office and the invoice was in his mail. He stated the contractor contacted me and informed me that it put him in a difficult financial situation. I told him I would check with the Council regarding the payment.

Councilwoman Oakley agreed that she doesn't agree with the manner in which it was handled either. Mayor Van Deursen suggested instructing the Borough Clerk to open the Managers mail in the future.

Councilman Higgins motioned for no votes to be taken via email, seconded by Councilman Turner.

Ayes: 7, Nays: 0  
Motion Carried

## **OLD BUSINESS:**

### **Parking Lot**

The parking lot was discussed under Committee Reports

**DPW Garage** – Councilman Higgins asked if our DPW department could install the fence and the blacktop in order to save money. Manager Corica stated that he will look into that option.

### **Striping Rt. 57**

Councilman Turner stated he had spoken to Andrew Holt about the striping and it appears that there was some confusion regarding whether or not the plan was ever submitted to the DOT by Hatch Mott MacDonald. Manager Corica stated that there was never a plan submitted to the DOT. Manager Corica stated that at this point we are trying to get DOT approval to stripe Rt. 57. Councilman Higgins asked what the cost will be. Manager Corica stated it will be the cost of the paint and the time needed to do the striping.

## **NEW BUSINESS**

### **Professional Services Proposals**

Councilman Higgins requested that the Borough request proposals from professionals every year. He also noted that if the redevelopment plan is to be completed we will not need a

redevelopment attorney. Councilman Higgins motioned for the Borough to advertise for professionals, seconded by Councilman Turner. Advertisements to be done prior to the next meeting with proposals received within fifteen days.

Ayes: 7, Nays: 0  
Motion Carried

**Washington Condos LLC – Sewer Bill**

Mr. DeMonti respectfully requested the Mayor and Council consider a payment arrangement be established so that he may pay off his sewer bill and avoid the tax sale. After Council discussion it was determined that Attorney Cushing will research the request to be certain it is within the parameters of the tax sale law.

**Resolution 218-2008 Appointment to Planning Board Daniel Aron**

Resolution 218-2008 was moved on a motion made by Housel, seconded by Oakley and adopted.

Roll Call: Housel, Oakley, Woykowski, Turner, Van Deursen, Cioni, Higgins.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 218-2008**

**Planning Board**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan the Mayor is directed and authorized to appoint members of the Planning Board.

**WHEREAS**, the Mayor has designated the following person as her appointee;

**WHEREAS**, The Council does approve of this appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that the following named person is appointed to the Planning Board for a term ending **December 31, 2011**.

**Daniel Aron**

**Rt. 57 Engineers Plan**

Motion made by Housel, seconded by Cioni to approve the engineers plan for Rt. 57.

Ayes: 7, Nays: 0  
Motion Carried

### **Ratification of the CWA Contract**

Motion made by Oakley, seconded by Cioni to ratify the CWA contract as presented.

Roll Call: Oakley, Cioni, Van Deursen, Woykowski – Yes  
Housel , Higgins – Abstain  
Turner - No

Ayes: 4, Nays: 1  
Abstain: 2

### **COUNCIL REMARKS**

Councilwoman Woykowski reminded Council that the Governing Body wanted to reach out to Joe Baumann to discuss what would happen after the redevelopment plan is finished. She also stated that she would like to propose changes to the monthly reports presented to Council. She would like to go back to the old format for the Engineers report and the Managers Report; with any new information being placed at the end of the old report. Council concurred.

Councilman Cioni stated he is working on a new park an pool sign for the Borough Park. The sign will be at no cost to the Borough. There will be a sponsor of the sign from a local business. He is requesting Council permission to move ahead.

Motion made by Cioni, seconded by Higgins to have a new sign installed at the Borough Park on Broad Street.

Ayes: 7, Nays: 0

Motion Carried

Councilwoman Woykowski stated that this is an excellent idea that should be built upon.

Councilman Housel – No comments

Councilman Turner – No Comments

Councilwoman Oakley – No Comments

Councilman Higgins asked Councilman Cioni for an update on the privatization of the concession stand at the pool. Councilman Cioni stated he has been in touch with the Borough Manager and has checked around to see if there was any interest in privatization. He stated he

hasn't moved beyond a conceptual plan yet. Councilman Higgins recommended that this be done as a committee. Higgins, Turner, and Cioni will sit on the committee. Councilman Higgins requested the memo from Attorney Cushing's office on emails be sent to Council.

Councilman Higgins also noted that he was incorrect regarding the sick and vacation time for library personnel. He checked with the Department of Personnel.

Councilman Higgins noted the Council meeting on November 18 is during the League of Municipalities Convention. The Borough Clerk and Council members will not be available. Council agreed to move the November 18 meeting to Monday, November 17, 2008.

Councilman Higgins requested the Resolution be done for COAH Housing Support.

Council agreed that a Proclamation should be done for BID Director, Jim Sheldon as well.

Steve Alpaugh from the Washington Fire Department handed out some information regarding the fire department and the purchase of the new fire truck. There is a question regarding how much money the fire department will receive from Homeland Security. Council concurred to move ahead with the bond ordinance as prepared.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 11:00 p.m.

Ayes: 7, Nays: 0.  
Motion carried.

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Mayor Marianne Van Deursen

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Kristine Blanchard, RMC Borough Clerk